IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Crl.MC.No. 760 of 2007()

[C.R.NO.54/2006 OF THE EXCISE RANGE OFFICE, KOLLAM]

PETITIONER: ACCUSED NO.1 & 2

---

1. THANKACHAN, S/O LEKSHMANAN,
MULLA VEEDU, PEZHUTHURUTHU MURI, MONROTHURUTHU
VILLAGE, KOLLAM TALUK, THRIKKADAVOOR VILLAGE,
KOLLAM TALUK.

2. MOHANAN, S/O THANKAPPAN CHETTIYAR,
BISMILLA HOUSE, PATTATHANAM,
VADAKKEVILA VILLAGE, KOLLAM TALUK.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
KOLLAM DISTRICT, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 21/06/2007 ALONG WITH CRL.MC NO.760/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.760 of 2007

Dated this the 26th day of March 2007

O R D E R

The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Criminal Miscellaneous Case is, in these circumstances, allowed. All proceedings in pursuance of C.R No.54 of 2006 of Kollam Excise Range against the petitioners are hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006